



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution entitled, "Consent to Approval of a Right-of-Way across Tribal land for the PHASE 1B HWY 22 MOD LOOP LINE Project Submitted by Crestwood)."

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws under said Act, and
- WHEREAS,** Pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and
- WHEREAS,** Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and
- WHEREAS,** Article IX Sections 1 and 3 of the Constitution provides that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and
- WHEREAS,** Leases and Rights-of-Way ("ROWS") across Tribal Trust land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; and
- WHEREAS,** Applications for Rights-of-Way ("ROWS") on Tribal Land are subject to the requirements of tribal law, including Resolution No. 17-117-FWF, Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Right-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and Resolution No. 15-045-LKH (Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land); and
- WHEREAS,** On March 1, 2017 at a duly held meeting of the Natural Resources Committee, the MHA Energy Division recommended for approval Crestwood's ROW application regarding the PHASE 1B HWY 22 MOD LOOP LINE, and the Natural Resources Committee approved Crestwood's ROW consent request and forwarded it to the Tribal Business Council for final action; and



WHEREAS, During the Tribal Business Council meeting on October 27, 2015, the Energy Division was presenting for final approval a number of ROW consents and setback variance approvals, and during the course of this discussion with regard to the then-pending ROW consents requested by Crestwood, the Natural Resources Department raised several unresolved and outstanding issues relating to Crestwood's operations on the Fort Berthold Indian Reservation; and

WHEREAS, The Tribal Business Council ultimately approved the two Crestwood ROW consent request, but subject to Crestwood meeting with the MHA Departments and Divisions, to secure their concurrences to address or resolve the pending issues; and

WHEREAS, On Wednesday, October 28, 2015, Crestwood representatives met with the departmental heads of the Energy Division, the Environmental Division, the Game & Fish Department and a representative from the Natural Resources Department, and as an outcome of that meeting, the departments issued a Memorandum entitled, "Conditions of Concurrence in the Approval of Crestwood's pending Right-of-Way Requests" (see Attachment A); and

WHEREAS, By letter dated December 1, 2015 from Robbie McDonough, Vice President, Land and Government Relations for Crestwood to Carson Hood, Director of the MHA Energy Division, Crestwood confirmed that it will "continue to comply with all applicable laws, regulations and rules of the MHA Nation in regards to its operations and activities on the Fort Berthold Indian Reservation" and will continue to work with the MHA Natural Resources Department and the MHA Energy Division "in regards to Crestwood developing mitigation plans for its produced water gathering system" (see Attachment B); and

WHEREAS, Crestwood, PHASE 1B HWY 22 MOD LOOP LINE, request for consent to a right-of-way for one (1) flexsteel produced water pipeline and one (1) gas pipeline for additional capacity and three 50'x50' launcher and receiver sites with additional temporary workspace shown on the plats along a portion of the main system that will allow for the additional drilling and completion of customers along this route (WPX, QEP, Halcon, Whiting, XTO and Enerplus), across certain tribal lands on Allotments T695A(100%) tribal interest, in Section Sections 14 of T149N-R94W in McKenzie County, North Dakota as more particularly described in Appendix A.1.

WHEREAS, The ROW application, submitted by Crestwood for the PHASE 1B HWY 22 MOD LOOP LINE Project, described above, has been reviewed and recommended for approval by the MHA Natural Resources Department and the



MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

WHEREAS, The projected compensation to the MHA Nation for this ROW application is \$19,857.00.

WHEREAS, On November 14th at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval of Crestwood ROW application and consent request for the PHASE 1B HWY 22 MOD LOOP LINE more fully described herein, and in the attached Appendix A.1., and the NRC approved Crestwood's application and forwarded it to the Tribal Business Council for final action.

NOW THEREFORE BE IT RESOLVED, Subject to Crestwood agreement to the execution of the MHA Right-of-Way Application and Terms and Conditions, as listed therein, and payment of ROW fees, the Tribal Business Council hereby approves the following ROW application, attached as Appendix A.1, and ROW consent, as follows:

Crestwood, PHASE 1B HWY 22 MOD LOOP LINE, request for consent to a right-of-way for one (1) flexsteel produced water pipeline and one (1) gas pipeline for additional capacity and three 50'x50' launcher and receiver sites with additional temporary workspace shown on the plats along a portion of the main system that will allow for the additional drilling and completion of customers along this route (WPX, QEP, Halcon, Whiting, XTO and Enerplus), across certain tribal lands on Allotments T695A(100%) tribal interest, in Section Sections 14 of T149N-R94W in McKenzie County, North Dakota as more particularly described in Appendix A.1.

BE IT FINALLY RESOLVED, that the Chairman is hereby authorized to execute such documents and take such further actions as are necessary to carry out the terms and intent of this Resolution.



CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 18th day of December, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] Voting. [] Not Voting.

Dated this 18th day of December, 2017.

ATTEST:

Tribal Secretary, Fred W. Fox
Tribal Business Council

Tribal Chairman, Mark N. Fox
Tribal Business Council



APPENDIX A.1

< Attach: (1) Application Form, (2) Approval Form signed by Department Head and Chairman of NRC per Resolution 15-045-LKH, (3) signed ROW terms and Conditions per Resolution No. 14-089-VJB, (4) map, and (5) other necessary information >

APPENDIX A.2

<Attach same information listed in Appendix A.1 for Each separate Applicant >

REPEAT AS NEEDED FOR EACH APPLICANT, LISTING APPENDIX A.3, A.4, ETC.ON SEPARATE PAGES WITH ATTACHMENTS